

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

Case No.: 1:07-cv-00028

**CAPITOL RECORDS, INC., a Delaware)
corporation; VIRGIN RECORDS AMERICA,)
INC., a California corporation; SONY BMG)
MUSIC ENTERTAINMENT, a Delaware)
general partnership; UMG RECORDINGS,)
INC., a Delaware corporation; ELEKTRA)
ENTERTAINMENT GROUP INC., a)
Delaware corporation; and BMG MUSIC, a)
New York general partnership,)**

Plaintiffs,

v.

BRIAN DUCKETT,

Defendant.

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

THIS MATTER is before the Court on Plaintiffs' Motion For Default Judgment.

For the reasons stated in the motion and for cause shown, and no response having been filed by the Defendant,

IT IS, THEREFORE, ORDERED that the Plaintiffs' motion for default judgment is **ALLOWED** and that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound

recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00).

3. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Comfortably Numb," on album "The Wall," by artist "Pink Floyd" (SR# 14-787);
- "Boombastic," on album "Boombastic," by artist "Shaggy" (SR# 222-048);
- "Everything to Everyone," on album "So Much for the Afterglow," by artist "Everclear" (SR# 181-328);
- "Make Me Bad," on album "Issues," by artist "Korn" (SR# 276-133);
- "Angel," on album "Hot Shot," by artist "Shaggy" (SR# 286-657);
- "Happy Endings," on album "Friction Baby," by artist "Better than Ezra" (SR# 225-706);
- "Carrying Your Love With Me," on album "Carrying Your Love With Me," by artist "George Strait" (SR# 238-679);
- "A Bad Goodbye," on album "No Time to Kill," by artist "Clint Black" (SR# 168-535);
- "I Wish You Were There," on album "Hi Infidelity," by artist "REO Speedwagon" (SR# 24-298);
- "If You're Gonna Play In Texas," on album "Roll On," by artist "Alabama" (SR# 52-706);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs)

("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Signed: June 5, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

